IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 288 of 1998
and
CRIMINAL REVISION APPLICATION No 289 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO No

2. To be referred to the Reporter or not? No :

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO No

5. Whether it is to be circulated to the Civil Judge? No :

STATE OF GUJARAT

Versus

SURENDRA NANDKISHOR AGRAVAL

Appearance:
Shri M.A.Bukhari, A.P.P. for Petitioner
NOTICE SERVED for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 24/08/2000

ORAL COMMON JUDGEMENT

1. These two revisions can conveniently be disposed of by common judgment. The revisions were admitted on 30.4.1998. Both the revisions are listed for final

hearing. I have heard Shri M.A.Bukhari, learned A.P.P. and Mr.K.R.Raval, representing Shri Saurin A. Shah, for the respondent in Cri.Revision Application No.289/98.

2. By the impugned order the Chief Metropolitan Magistrate, Ahmedabad, has rejected the application of the Police for subjecting the accused for lie detection Test in CID Crime, Gandhinagar Zone Police Station, I-CR No.13/97 registered on 18.2.1998. At the out-set it may be mentioned that the impugned order is not final order deciding the right and obligationof the parties hence it is not a final order. It is apparently an interlocutory order against which no revision lies under Section 397(2) of the Code of Criminal Procedure. In addition to this Shri K.R.Raval states that in both the cases prosecution evidence has commenced before the concerned Magistrate and even some witnesses from the side of prosecution have been examined. Consequently for all purpose these two revisions have become infructuous.

3. Since the impugned order is not revisable it is not necessary to go into the merits of these cases. The Revision Applications are accordingly dismissed.

sd/-

Date : August 24, 2000 (D. C. Srivastava, J.)

sas